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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,227	06/24/2003	Mohammad Nejad	BP 2512	1088
34399 7590 03/20/2007 GARLICK HARRISON & MARKISON P.O. BOX 160727 AUSTIN, TX 78716-0727			EXAMINER SINKANTARAKORN, PAWARIS	
			ART UNIT	PAPER NUMBER
			2616	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/20/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/602,227

Applicant(s)

NEJAD ET AL.

Examiner

Pao Sinkantarakorn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-27, 29-32, 37, 38, 41, and 42 is/are rejected.
- 7) ☒ Claim(s) 6-8, 28, 33-36, 39-40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

2. Claims 12, 14-18, 22, 24, and 27-40 are objected to because of the following informalities:

Regarding claim 12 line 3, the recitation "one of the plurality on inputs" should be rewritten as ---one of the plurality of inputs---

Regarding claim 14 line 2, the recitation "an downstream multiplexing circuit" should be rewritten as ---a downstream multiplexing circuit---

Regarding claim 27 line 10, the second occurrence of "at least one high-speed bit stream" seems to refer to "at least one high-speed bit stream" previously recited on lines 1-2, if this is true, it is suggested to rewritten "at least one high-speed bit stream" as ---the at least one high-speed bit stream. The same is true for claim 29 line 3.

Claims 15-18, 22, 24, 28, 30-40 are then objected because they depend on claims 14, 25, and 29.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 10, 19-21, 23, 25, 26, and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 10, the recitation "the clock selector" has no antecedent basis. The same is true for claims 23 and 37.

Regarding claims 19-21, 23, 25, and 26 line 1, the recitation "The upstream multiplexing integrated circuit of claim 13" is vague and indefinite because claim 13 claims a multistage bit stream multiplexer, not an upstream multiplexing integrated circuit; therefore, it is not known the metes and bounds of the claimed invention.

Regarding claim 42 line 1, the recitation of "the method of claim 25" is vague and indefinite because claim 25 is not a method; therefore, it is not known the metes and bounds of the claimed invention.

Claim Rejections - 35 USC § 103

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 1-5, 9, 11, 14-18, 22, 24, 27, 29-32, 38, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiramoto et al. (US 6,657,953) in view of Graves (US 4,667,324).

Hiramoto et al. disclose, **regarding claims 1, 14, 27, 41**, an upstream multiplexing integrated circuit within a multistage bit stream multiplexer/a method (see column 4 line 1) comprising:

a second multiplexing integrated circuit that receives the second plurality of bit streams and that outputs at least one high-speed bit stream at a line bit rate that

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exceeds the second bit rate (see column 4 lines 1-5, multiplexing between DS1 signals and DS3 signals, wherein DS1 signals have a lower speed than that of DS3 signals);

a clock circuit (see column 4 line 26), wherein the clock circuit generates a forward transmit clock for use by the first multiplexing integrated circuit (see column 4 lines 27-29) in producing the second plurality of bit streams (see column 4 lines 1-5, producing DS3 signals) based upon a reference clock signal selectable from a plurality of inputs (see column 4 lines 30), wherein the inputs include a reverse transmit clock generated by the second multiplexing integrated circuit (see figure 1, a line starting from Loopback Control Unit and ending at Clock Generation Unit, the loopback signal is used to adjust the clock circuit).

Hiramoto et al. disclose all the claimed limitations except another stage of multiplexing circuit, wherein the circuit multiplexes PCM signals into DS1 signals. The invention of Graves from the same or similar fields of endeavor discloses a multistage multiplexer, wherein the first multiplexing circuit receives the first plurality of inputs at a first bit rate (see figure 1, input signals CH1-CH24 of M1) and that produces a second plurality of bit streams at a second bit rate (see figure 1, output signals DS-1 of M1), wherein the first plurality of bit streams are greater in number than the second plurality of bit streams are in number (see figure 1, 24 input signals CH1-CH24 and 1 output signal DS-1 at M1), and wherein the first bit rate is less than the second bit rate (see figure 1, CH1-CH24 signals are DS0 signals, which has slower rate than the output DS1 signal).

Thus, it would have been obvious to the person of ordinary skill in the art to implement the first stage of the multiplexing circuit as taught by Grave into the multiplexing circuit of Hiramoto et al. by implementing a first stage multiplexing circuit, wherein the first stage multiplexing circuit takes in DS0 signals and produce DS1 signals to be passed on to the second stage multiplexing circuit.

The motivation for implementing the first stage of the multiplexing circuit into the multiplexing circuit is that it allows the circuit to convert the rate from a lower rate to a high-speed bit stream. A 2-stage multiplexing circuit allows the input rate to be DS0 rate, and the output rate to be DS3 rate, instead of DS0 rate to DS1 rate of 1-stage multiplexing circuit.

Hiramoto et al. in view of Grave disclose, **regarding claims 2, 15, 29**, disclose all the subject matter of the claimed limitations except a communication ASIC from which the first multiplexing integrated circuit receives the first plurality of bit streams; and a media interface that receives the at least one high-speed bit stream and produces a media output. However, it is well known to the person of ordinary skill in the art to have a multiplexing circuit receive plurality of input signals from a signal source, such as ASIC, and produce output streams to be transmitted to a media interface to produce a media output.

Thus, it would have been obvious to the person of ordinary skill in the art to implement a multiplexing circuit, wherein the signal source is a communication ASIC, and the output signals are transmitted to the media interface to produce a media output into the multistage multiplexing circuit of as taught by Hiramto et al. in view of Grave.

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The motivation for implementing a multiplexing circuit, wherein the signal source is a communication ASIC, and the output signals are transmitted to the media interface to produce a media output is that ASIC provides better performance for media transmission.

Regarding claims 3, 16, 30, wherein the plurality of inputs further comprises an external oscillator output (see column 4 lines 30-32);

regarding claims 4, 17, 31, wherein the plurality of inputs further comprises a voltage controlled oscillator output (see figure 2 reference numeral 17-3);

regarding claims 5, 18, 32, wherein the reference clock signal is selected based upon a clock selector input (see figure 2 reference numeral 17-2);

regarding claims 9, 22, wherein the forward transmit clock is a source centered double data rate clock with respect to each of the plurality of second bit streams (see column 13 lines 19-21, VCXO is used to oscillate the forward transmit clock)

regarding claims 11, 24, 38, wherein the first multiplexing integrated circuit generates the reverse clock based on an external oscillator reference clock (see column 13 lines 19-25).

regarding claim 12, wherein the first multiplexing integrated circuit further comprises a phase detector that receives a first input from a loop timing circuit and a second input from one of the plurality of inputs (see column 13 lines 22-26).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 13 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiramoto et al. in view of Graves as applied to claim 1 above, and further in view of Metz et al. (US 4,360,912).

Hiramoto et al. in view of Graves disclose all the subject matter of the claimed limitations except the first multiplexing integrated circuit comprises integrated circuits formed on a silicon substrate and the second multiplexing integrated circuit comprises a substrate selected from the group consisting of InP, SiGe, GaN, GaAs, and Si. However, Metz et al. from the same or similar fields of endeavor disclose a multiplexer which is comprised of CMOS parts (see column 6 lines 38-41, CMOS is comprised of Silicon Si).

Thus, it would have been obvious to the person of ordinary skill in the art to use a multiplexer that is comprised of CMOS parts as taught by Metz et al. in the multistage multiplexing integrated circuit of Hiramoto et al. in view of Graves.

The motivation for using a multiplexer that is comprised of CMOS parts is that CMOS multiplexer makes a faster circuit and less capacitance.

Allowable Subject Matter

11. Claims 6-8, 28, 33- 36, and 39-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 10, 19-21, 23, 25, 37, and 42 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fujimoto et al. (US 4,811,341) and Karlquist (US 2003/0063626) are cited to show multiplexing apparatus that are considered pertinent to the claimed invention.

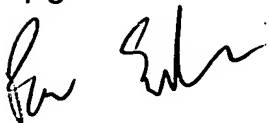
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pao Sinkantarakorn whose telephone number is 571-270-1424. The examiner can normally be reached on Monday-Thursday 9:00am-3:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PS

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RICKY Q. NGO
SUPERVISORY PATENT EXAMINER